

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:05CR417</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>TENTATIVE FINDINGS</b>
	)	
<b>KEITH D. BROOKS,</b>	)	
	)	
<b>Defendant.</b>	)	

The Court has received the Revised Presentence Investigation Report (“PSR”) and the government’s sentencing statement (Filing No. 29). The Defendant has not objected to the PSR by filing objections with the Court; however, the Court will briefly address the objections referred to in the Addendum to the PSR. The government has adopted the PSR. (Filing No. 29.) See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these tentative findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to witness statements appearing in ¶¶ 25 and 29. The Court is not at liberty to change witness statements. Moreover, resolution of these objections in the Defendant’s favor would not affect the sentencing guideline calculation. Therefore, the objections are denied.

**IT IS ORDERED:**

1. The Defendant’s objections to the Revised Presentence Investigation Report (Addendum) are denied;
2. Otherwise the Court’s tentative findings are that the Presentence Investigation Report is correct in all respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 10<sup>th</sup> day of April, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge